

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MATTATHIAS SCHWARTZ,

Plaintiff,

-against-

UNITED STATES DRUG ENFORCEMENT
ADMINISTRATION,

Defendant.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAR 21 2019 ★

BROOKLYN OFFICE

NOT FOR PUBLICATION
MEMORANDUM & ORDER
13-CV-5004 (CBA) (ST)

AMON, United States District Judge:

Plaintiff Mattathias Schwartz brought this action against the United States Drug Enforcement Administration (“DEA”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to compel the disclosure of agency records related to the DEA’s involvement in a May 2012 raid in Ahuas, Honduras, which Schwartz alleged were improperly withheld. (D.E. # 1.) In December 2017, the parties stipulated to the dismissal of the case with prejudice, except as to fees and other litigation costs. (D.E. # 85.) Schwartz moved for an award of \$978,568.75 in attorneys’ fees and \$10,430.52 in costs pursuant to FOIA’s fee-shifting provision, 5 U.S.C. § 552(a)(4)(E), which the DEA opposed. (D.E. #s 98-1, 99, 101.) This Court referred the motion for attorneys’ fees and costs to the Honorable Steven Tiscione, United States Magistrate Judge, (D.E. dated May 23, 2018), who issued a Report and Recommendation (“R&R”) recommending that the Court grant Schwartz’s motion and award \$546,903.86 in attorneys’ fees and \$10,430.52 in costs, (D.E. # 102).

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only

satisfy itself that there is no clear error on the face of the record.” Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

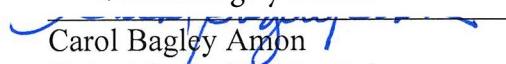
The Court has reviewed the R&R and, finding no clear error, adopts the R&R with one caveat. The adoption of the R&R should not be construed as an endorsement of a \$200 per hour rate for work performed by summer associates, but only as a conclusion that the bottom line recommendation is reasonable.

Accordingly, the Court grants Schwartz’s motion and awards him \$546,903.86 in attorneys’ fees and \$10,430.52 in costs. The Clerk of Court is directed to enter judgment accordingly.

SO ORDERED.

Dated: March 20, 2019
Brooklyn, New York

s/Catol Bagley Amon


Carol Bagley Amon
United States District Judge